**AMENDMENTS TO THE DRAWINGS**

Submitted herewith please find 1 sheet of replacement drawing in compliance with 37 C.F.R. § 1.84. The Examiner is respectfully requested to acknowledge receipt of these drawings.

The submitted drawings are intended to replace the drawings previously submitted.

Attachment: Annotated Fig. 1

## REMARKS

As a preliminary matter, Applicants' representatives contacted the Examiner to respectfully request that the Examiner issue a new Non-Final Office Action since the Examiner previously indicated that rejected claims 2, 3, 5 and 6 were rejected over the combination of Feldman and Thiesfeld, but NOT the combination of Feldman, Thiesfeld, and Wright. In the present Office Action, the Examiner corrected this previous mistake in a new office action, however the undersigned argued that a new Non-Final Office Action should be issued since the record did not reflect the Examiner's intent to apply all three references. In response, the Examiner indicated that there was simply a typographical error in the previous Office Action and that he would not issue a new Non-Final Office Action at this time. Nevertheless, the Examiner indicated that any amendments submitted subsequent to the present Office Action would be entered in view of the Examiner's previous typographical error.

Also, as a preliminary matter, Fig. 1 is objected to based on the reasons set forth on page 4 of the Office Action. Applicants amend Fig. 1, as indicated herein.

In summary, claims 1-6 are all the claims pending in the present application. The Examiner maintains the previous prior art rejections, and adds a few new arguments in the *Response to Arguments* section of the present Office Action. Specifically, claims 1 and 4 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Feldman (U.S. Patent No. 6,393,000) in view of Wright et al. (U.S. Patent No. 6,512,749). Claims 2, 3, 5 and 6 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Feldman, Wright, and further in view of Thiesfeld (U.S. Patent No. 6,529,971).

*§103(a) Rejections (Feldman / Wright) - Claims 1 and 4*

Claims 1 and 4 are rejected based on substantially the same reasons set forth in the previous Office Action. Applicants traverse these rejections at least based on the following reasons.

Brief descriptions of the references are set forth in the previously submitted Amendment.

With respect to independent claim 1, Applicants previously argued that the applied references, either alone or in combination, do not disclose or suggest at least, "a receiver (R) adapted to receive an information stream consisting of information cells, some of which can be empty," and "a mixer (M) adapted to detect the empty information cells and replace them with waiting cells," as recited in claim 1 (emphasis added). In response, the Examiner alleges:

> On page 6, Applicant argued that "empty information cells", as claimed, are different from "silence code" cited by the Examiner. A silence code, as argued by the Applicant, "can be issued to reproduce silence or low level noise during a voice communication, when the principle signal is a voice signal". However, there is no specific description of "empty cell" either in the Specification or in the above dated Argument/REMARKS. Upon further search, Examiner found a prior definition of empty cell whereby an "empty-cell or blank cell" contains specified sequence bits representing that the cell is a blank cell and can be inserted in the transmitted stream of ATM-cells, the empty cell or silent cell can be dropped or duplicated according to the detected state of buffer (Engdahl, US 6,876,666).
>
> In the absence of a specific and distinct definition of "empty cell", Examiner broadly interpreted the same as equivalent to a 'silence code'. (Engdahl, US 6,876,666, is used in Response to Argument only and not made part of rejection).

In response, Applicants submit that in the absence of a specific definition for "empty cell" in the originally filed specification of the present application, the proper strategy should be

for the Examiner to look at a dictionary definition of the word "empty", and not look to a separate reference that could have a totally different definition of the term 'empty cells' than what is intended in the present application. As the Examiner is no doubt aware, an inventor is allowed to be his or her own lexicographer, therefore looking at a totally difference reference for a definition of 'empty cells' is not the proper strategy to broadly construe meanings of unknown terms. The proper strategy would be to look to a dictionary definition of the term at issue. In this case, a generally accepted dictionary, Miriam Webster online, indicates that the word empty can mean containing nothing. Therefore, the term empty cells, as used in claim 1, for example, should broadly be considered to be a cell that contains nothing (e.g., no data).

Based on this understanding of a meaning of "empty cells", Applicants maintain the previously submitted arguments that the applied references, either alone or in combination, do not disclose or suggest at least, "a receiver (R) adapted to receive an information stream consisting of information cells, some of which can be empty," and "a mixer (M) adapted to detect the empty information cells and replace them with waiting cells," as recited in claim 1.

Yet further, Applicants previously argued that the applied references do not disclose or suggest at least, "wherein said relay further comprises a stream analyzer for determining if an information stream received by said receiver is a real-time information stream or a differed-time information stream cells in a mass memory and in that said mixer is adapted to choose said waiting cells from among the cells stored in said mass memory," as recited in claim 1. It was previously pointed out that the Examiner does not even mention determining whether an information stream received by a receiver is a real time information stream or a differed-time

information stream. Further, in the present Office Action, the Examiner still does not address this issue.

At least based on the foregoing, Applicants submit that claim 1 is patentably distinguishable over the applied references, either alone or in combination.

Applicants submit that independent claim 4 is patentable at least based on reasons similar to those set forth above with respect to claim 1.

*§103(a) Rejections (Feldman / Wright / Thiesfeld) - Claims 2, 3, 5 and 6*

Applicants submit that dependent claims 2, 3, 5, and 6 are patentable at least by virtue of their respective dependencies from independent claims 1 and 4. Thiesfeld does not make up for the deficiencies of the other applied references.

**New Claims**

Applicants add new claims 7-9 to provide a varying scope of coverage. Applicants submit that these new claims are patentable at least by virtue of their respective dependencies from independent claims 1 and 4.

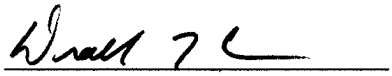
Further, in accordance with Applicants' representatives telephone interview with the Examiner, Applicants respectfully request that the Examiner enter these claims. Also, Applicants submit that these new claims should not require further search and/or consideration.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Diallo T. Crenshaw
Registration No. 52,778

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: May 5, 2008

1/1

RELATED ART

FIG_1

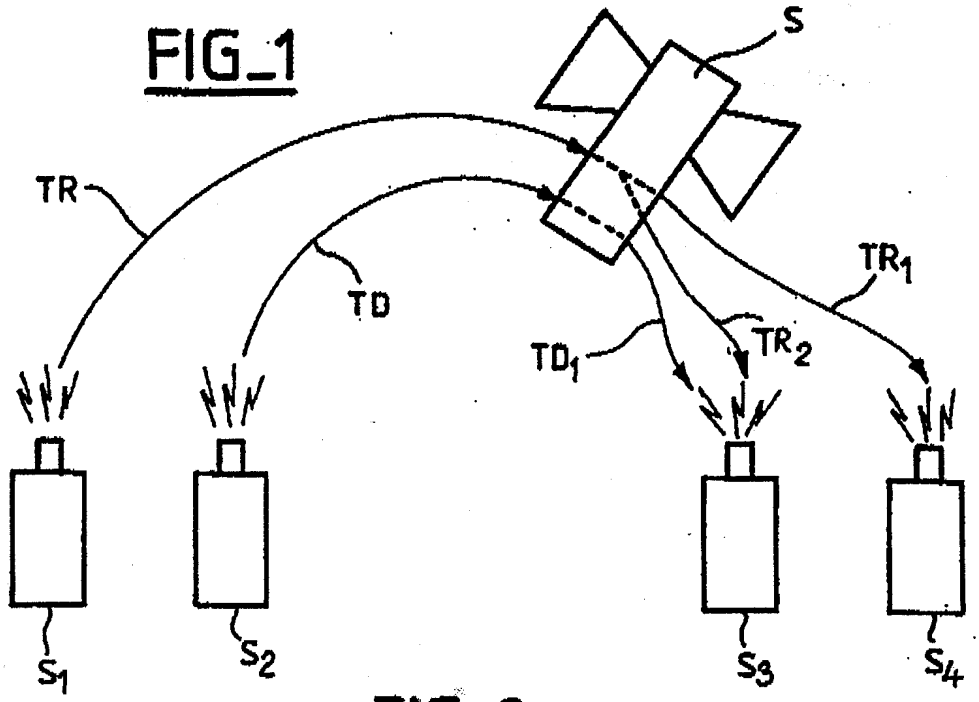
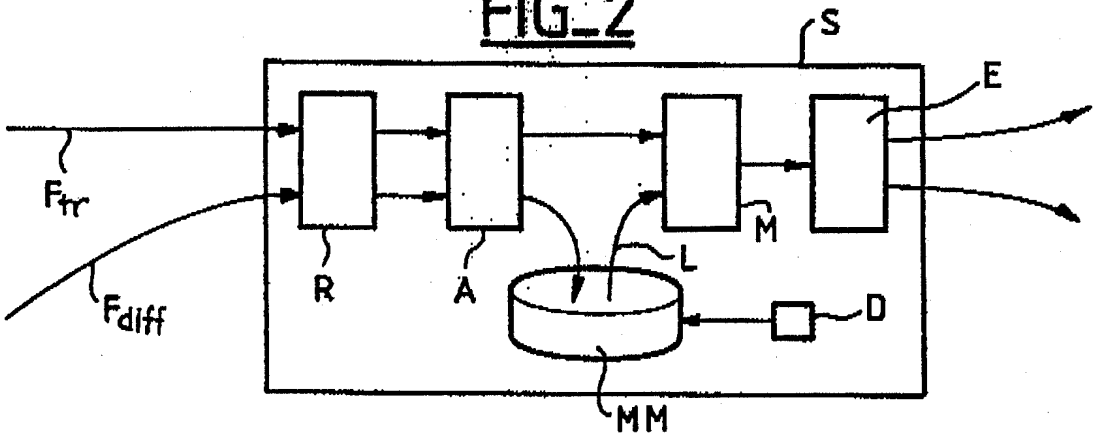



FIG_2



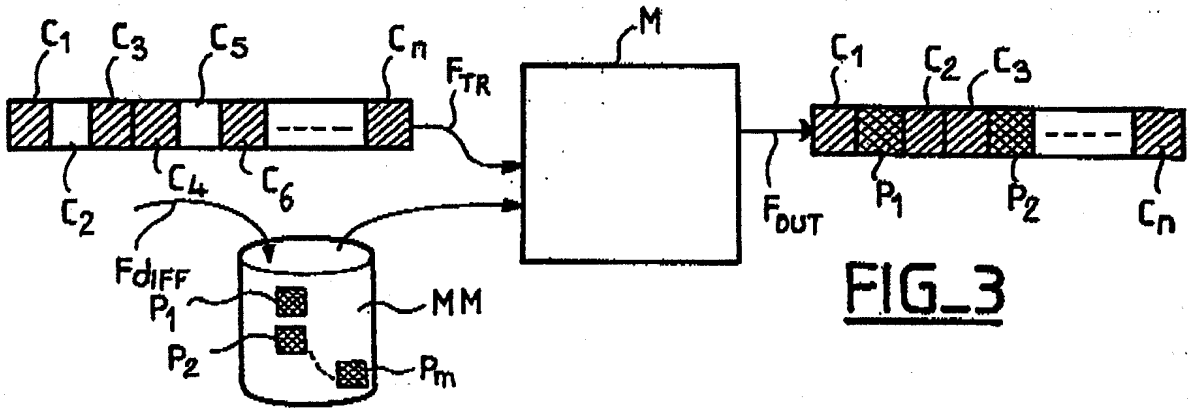




FIG_3